

REMARKS

Initially, the applicant would like to thank the Examiner for the courtesy extended in allowing time for this Preliminary Amendment prior to the examination of Claims 1 through 28 submitted with the original application.

Independent claims 1, 3, and 19, are believed to be allowable for all of the reasons that the independent claims of the original application number 372405 now issued as U.S. Patent No. 6,173,209 were allowable. Specifically, independent claims 1, 3, and 19 each require that an assigned time be given to a customer as opposed to the customer making a reservation as in the primary reference, Patent No. 5,502,806 to Mahoney which was discussed in the parent application. Because claims 1, 3, and 19 are allowable, the independent claims 2, 4-18 and 20-28 are also allowable. Accordingly, it is respectfully requested that the Examiner allow these claims.

CLAIMS ADDED IN THIS AMENDMENT

Claims 29 through 201 have been submitted to obtain additional claim coverage that is 1) based solely on the original disclosure in the parent application; and 2) still patentable over the Mahoney patent.

By way of background, the Mahoney patent discloses a reservation system for managing attraction admission with two lines, a waiting line and a second line for people with tickets for a given time. In Mahoney, a customer is able to select a time from the remaining available times and reserve that time. This is a reservation system wherein the customer has complete control, subject to availability, of when to schedule access to an attraction via the second line. The Background section of the present application describes the disadvantages of such a system.

In contrast with Mahoney, the general subject matter of the present invention is that an “assigned time” is “determined and selected” by the system or method of the invention. This avoids the disadvantages of the Mahoney system such as the first to arrive customers reserving all the prime time slots and leaving other time slots open. What is necessary to distinguish over Mahoney is that the customers must not have complete control to reserve any time they want.

It is submitted that independent claims 29, 39, 49, 59, 69, 78, 89, 99, 109, 121, 133, 145, 152, 159, 169, 180 and 192 are each patentable over Mahoney but are not so limited as to preclude any and all input from the customer as to the assigned time ultimately issued by the system or in the method claimed. In general, this is accomplished by not allowing the customer to select and reserve **any available time** from a list of available times as in Mahoney. Rather, the system still presents the customer with an **assigned time** based on some criteria, usually based on the next available time, which the customer may accept or reject. If accepted, the customer may access the attraction via the second line at that time. Moreover, if the assigned time is not accepted, the pending claims do not preclude the system or method from offering a second assigned time based on the first assigned time.

The independent claims are as follows:

Claim 29 is allowable over Mahoney for at least the reason that the **assigned times** are issued on a first-come first-served basis, whereas in Mahoney, **any time may be reserved** on a first-come first-served basis.

Claim 39 is allowable for at least the reason that the assigned times are **based upon a determination of a next available time**, whereas in Mahoney, the access times are **based solely on the reservation selected by the customer** subject to the availability of that time.

Claim 49 is allowable for at least the reason that the assigned times are **based upon a determination of a next available time**, as determined at the time of issuance, whereas Mahoney does not require such a determination.

Claim 59 is allowable for at least the reason that the method requires **calculating a next available time** and offering an assigned time to a customer which is based upon the calculation of the next available time. Mahoney makes no such calculation or offer.

Claim 69 is allowable for at least the reason that the method requires **determining and selecting a time to be assigned**, offering said assigned time to said customer, and issuing media to said customer when said customer requests said assigned time. Mahoney does not determine and select a time to be assigned or offer it to the customer. Moreover, the claim explicitly states that media with the assigned time is issued to the customer only when the customer requests the assigned time.

Claim 78 is allowable for at least the reason that the system requires **generating an assigned time based upon said determined next available time**. Again, Mahoney does not determine the next available time or generate an assigned time based thereon.

Claim 89 is allowable for at least the reason that an **assigned time is offered to the customer** and if the customer takes the assigned time, the customer may access the attraction via the second line. In Mahoney, **a customer may access an attraction at any time he/she reserves** rather than at an assigned time he/she chooses to accept.

Claim 99 is allowable for at least the reason that the system requires **generating an assigned time based upon said determined next available time** and offering the assigned time to the customer, whereupon the customer may access the attraction at the assigned time.

Mahoney **makes no determination of a next available time**, and therefore does not offer such a time to the customer.

Claim 109 is allowable because the system determines an **assigned time based on a determination of a next available time**. Mahoney does not determine a next available time.

Claim 121 is allowable for the same reason as claim 109.

Claim 133 is allowable for at least the reason that an **assigned time is determined and selected by the system** and offered to the customer, whereas Mahoney does not determine and select an assigned time and offers all available times to the customer.

Claim 145 is allowable for at least the reason that it requires **determining the next available time and assigning a time derived from the next available time** and offering that time to the customer. As already discussed, Mahoney does not have these limitations.

Claim 152 is allowable for at least the reason that it requires **determining and selecting a future time to be assigned**. By contrast, Mahoney determines all available future times to be reserved.

Claim 159 is allowable for at least the reason that it requires offering an assigned time to a customer where the **assigned time is derived from a next available time**. Mahoney does not make such an offer of an assigned time derived from a next available time.

Claim 169 is allowable for at least the reason that a controller determines the next available time and **generates assigned times based upon the determination of the next available time**. Mahoney does not calculate the next available times or generate assigned time based thereon.

Claim 180 is allowable for at least the reason that **assigned times are determined by the system, based on a determination of the next available time**, whereas in Mahoney, **any time may be reserved based solely on the customer determining the best time remaining from the customer's perspective**.


Claim 192 is allowable for at least the reason that the method requires **determining the a next available time and offering an assigned time derived from the next available time**, whereas Mahoney makes no such determination or offer of assigned times.

The corresponding dependent claims are believed to be allowable based on the allowability of the independent claims.

Accordingly, the Examiner is requested to consider these claims for possible first action allowance. For easy reference by the Examiner, please find attached hereto as **Appendix A**, the pending claims for the subject application.

Any inquiry regarding this matter should be directed to Cyrus A. Morton at (612) 607-7354.

Respectfully submitted,

By 

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